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MAR 07 2005

OFFICE OF PETITIONS

In re Application of
Tupper, et al.
Application No.: 10/804,717
Filed: March 29, 2004
Attorney Docket No. STE01 P1167
For: PEDESTAL SYSTEM

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed January 31, 2005 (certificate of mailing date January 24, 2005).

The petition is granted.

Petitioners have shown that the non-signing inventor, John L. McCrackin, has constructively refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the September 27, 2004 petition and accompanying exhibits establish that the application papers were mailed to Mr. McCrackin, but he did not respond to numerous requests that he execute and return the enclosed declaration. Petitioners have not stated that the mailings were returned. Therefore, it is presumed that they were delivered to the non-signing inventor's last known address. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to the Technology Center G.A.U. 3637 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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LETTER

MAR 07 2005

OFFICE OF PETITIONS

Dear Mr. McCrackin:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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